

RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY

Municipal Police Training Academy

Community College of Rhode Island — Flanagan Campus

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Colonel Steven G. O'Donnell Chief Anthony J. Silva

Commissioner, Department of Public Safety Executive Director

Superintendent, Rhode Island State Police Municipal Police Training Academy

Police Officers Commission on Standards & Training

Meeting Minutes

November 17, 2011

I. Welcome and Roll Call

Colonel Stephen M. McCartney called to order the regular meeting of the Police Officers Commission on Standards & Training (POST) at 10:20 a.m. on November 17, 2011 in RIMPA-Lincoln.

Colonel McCartney asked Donna Lavallee to take a roll call. The following POST members were present: Colonel Stephen M. McCartney, Chief Anthony Pesare, Chief Edward Mello. Also present were Chief Anthony J. Silva, Mr. Richard B. Woolley, Esq., Captain David Ricciarelli, Captain David DelBonis, Donna Lavallee, Mr. Paul Dutra, Dr. Patricia Gallagher and Chief Kenneth Bilodeau. For the

record, Major Pereira will be arriving in approximately 10 minutes.

II. Approval of the minutes

Colonel McCartney asked for approval of the minutes from the last meeting dated August 25, 2011. Chief Mello made a motion to accept the minutes; Chief Pesare seconded the motion. After no further discussion and all in favor (3-0), the motion carries and minutes were accepted.

III. Update on Curent 117th Session, Recruit Class/Academy Schedule

Captain DelBonis stated that the class is in its 17th week and nearing graduation on December 20th. He also stated that this class has gone above and beyond in participating in several Community Service programs. They have volunteered approximately 24 hours outside of the Academy towards Community Service projects. To date, the projects they have participated in are as follows:

- Colon Cancer Awareness 5k Race**
- Bobby Doyle Summer Classic**
- Kids, Cops & Classrooms**
- 9/11 Memorial Service**
- Walk Now: Southern New England (Autism)**
- “A New Beginning”-Community Outreach Program**

Upcoming events: RI 29th Annual Candlelight Vigil; Kids Cops and Christmas; Care Package to Afghanistan Military Unit.

IV. Update on Continuing Education

Captain Ricciarelli stated that we had a vigorous Fall schedule and are working on the upcoming Spring Con-Ed Calendar.

***Note: Major James Pereira and Danica Iacoi, Esq. from the Rhode**

Island State Police joined the meeting at 10:30 am.

V. “Temporary Conditional Certification”

Director Anthony Silva stated that we currently process certification of waiver candidates and went through the process that is followed. One concern that has arisen is when an officer comes into Rhode Island without POST certification and he gets sworn in with a R.I. Police Department without our knowledge. We are also seeing a lot of Providence officers applying for positions with other departments in the state. Mr. Paul Dutra of R.I. Interlocal Trust spoke that the Trust currently insures 31 departments and this is a concern to them. The Trust took a position that clearly set out their position that they would no longer insure someone who did not attend 1 of 3 Academies – Municipal Academy, Providence Academy or the State Police Academy. This was drafted in the early 1980’s and didn’t envision police officers retiring to go to other departments. They now recognize that they have police officers who have graduated from an Academy but are not POST-certified. They discussed the Providence officers that are hired by other departments but must fulfill the POST requirements for certification. Mr. Dutra said if the POST took that stand, it would be beneficial to the Trust, as there would be no break in coverage.

Colonel McCartney stated there has been a history with out-of-state candidates where the POST would look at their certification and determine what they need to complete POST certification. It is a new phenomenon that we are facing with retired police officers going onto a second career. Most importantly, the Chiefs must understand what

is required for POST certification. Director Silva stated that the bigger issue is that there are out-of-state police officers who are being sworn in while they are still fulfilling their requirements for POST certification here at the Academy. He is very concerned that if something happened while they were not POST certified, it could be potentially disastrous. There are liability issues here and that could be a problem. Captain Ricciarelli stated that IADLEST has a manual regarding State Reciprocity which is observed in 48 States. He did some research and indicated that approximately 70% of the States require an exam as well as practical instruction. As for the time frame for completion of certification, the most common is 6-9 months. The officer is required to meet all conditions. A lateral or transfer candidate must meet all the conditions of a new hire. Most states require sponsorship.

Chief Mello asked what are the current requirements for a waiver candidate. Director Silva stated that we have a policy however, the issue of the particulars were never addressed. Anything other than full POST certification does not grant arrest powers. Colonel McCartney questioned the Psychological Testing requirements. Chief Mello stated he knows there are departments where no new Psychologicals are administered. Mr. Woolley stated that the State law is vague on that issue. Major Pereira stated that if there is no interruption of time between the two jobs and an officer is just moving to another town, they need to be re-psyched. Director Silva stated he received a call from a Police Chief who hired police officers from another department and wanted to know if they need another

psych. Unfortunately, they have been working there already without our knowledge. Colonel McCartney stated that this is going to be somewhat common in the months and years to come and Police chiefs need guidance on this, perhaps a checklist. Chief Mello asked where the rule is regarding psych testing. Dr. Patricia Gallagher stated that there are pre-employment guidelines which are re-visited every five years and the current one was satisfied in 2009 and it outlines the process in Section 10.6. In the “Memorandum of Understanding” for all municipalities, it stated that the Psychological Testing is “Valid for one year” and all police chiefs have signed it. Basically, if you are hired by a department and stay with that department, you do not have to be re-evaluated each year. If you retire or leave voluntarily, you must re-psych—the psych in that situation is only valid for one year. Dr. Gallagher said the “Police chiefs must re-psych before they hire”! Chief Pesare asked the question what if you have been out of law enforcement for three years and are looking for a waiver. Dr. Gallagher stated you must be re-psyched after one year! Colonel McCartney again reiterated that the Police Chiefs are looking for advice regarding hiring of veteran officers because even though they don’t have to put them through the full Academy; however, they need to know there are other requirements. Chief Silva agreed that we need to educate the Chiefs on this issue. Chief Pesare asked Paul Dutra if a police officer comes in from another state, are they not covered by the Trust? Mr. Dutra said yes, they are not covered until they receive full POST certification. Chief Silva stated he is concerned because a waiver

candidate can be sworn in, work in a patrol car and have no arrest powers because they are not certified. Colonel McCartney stated that at this point, we can't undo what has happened so far but the requirements must be laid out now. Chief Mello voiced his concern that he doesn't feel the Psychological testing guidelines are law. Mr. Woolley agreed that the law is very vague on this issue and does not address the issue of shifting agencies. Chief Silva asked if there was a remedy to that. Major Pereira stated it's a valid concern but the Town Solicitors will fight the change. Chief Pesare asked if the POST has the authority to present a policy and procedures for waiver candidates? Chief Mello's thoughts were yes to out-of-state but no to in-state. Director Silva stated based on the authority the POST has by statute, the POST can set standards. Re-hiring is becoming very common and it is a concern that must be addressed to protect the State of Rhode Island. Captain Ricciarelli stated he has seen a spike of 4 times the amount of officers moving from one department to another and it will accelerate. Mr. Woolley agreed that a psych test may be a way of screening. Director Silva stated each should be handled like a new hire. The options need to be discussed. Colonel McCartney suggested a motion as to what the POST should do. Chief Silva made some suggestions: We can look at in-state differently and offer provisional certification subject to full-certification; we look at out-of-state candidates as not being certified until they receive certification from the POST. Some Academies are very similar and few requirements are needed; in addition, add to the requirements, along with certification, a psychological testing.

Chief Mello made a motion asking the Academy staff to develop set protocol for hires/transfers both in-state and out of state and expired certifications and bring the guidelines back to the Board for their position at the next meeting. Also, this should include that all new hires/transfers will require a Psychological exam. Chief Pesare seconded the motion.

Under discussion Paul Dutra stated he is in support of the pending motion. It would insure that the Trust members would be in the best interest for their members. Chief Silva asked for clarification on the motion - - Chief Mello's motion is directing the staff to develop set protocols, not telling us what to do, correct? Chief Mello stated no and withdrew his motion. Chief Mello then made a motion that states the Academy staff could set criteria for waiver candidates. If someone is asking for waiver candidacy, there should be a list of training requirements. If provisionally certified, is it possible to have the essential training completed to get certification which will allow them to work. Director Silva asked them to refer to our "waiver form" as it stands now to give us some guidelines while we put these protocols together. Colonel McCartney addressed the question of working while undergoing certification. Captain Ricciarelli stated there is a difference between out of state and transfers from in-state. It is very difficult to say they couldn't practice. We should entertain provisional only under the circumstances with the increase of in-state transfers. Chief Silva stated the motion covered that, he was just looking for guidance. Colonel McCartney agreed that Chief Mello's motion covered this. Chief Mello stated that his motion stands but

added in it that the criteria for provisional certification for in-state transfers should be covered. Chief Pesare seconded the motion. All in favor, motion carries 3-0.

Chief Silva stated we will develop a set of protocols for in-state and out-of-state candidates. We will come up with a set policy and send it to everyone.

VI. Colonel Steven G. O'Donnell, DPS Commissioner, Discussion

Major Pereira stated that the "Google" money should be coming to four Law Enforcement departments. Commissioner O'Donnell proposed to take some of this money to develop a "Unified Police Academy". He is looking at land at the LADD Center where all Academies (Municipal, RISP and Providence) would be unified. Part of the building would house in-service training. The Colonel had a meeting yesterday with the State regarding his proposal and it looks good. Major Pereira will be working with DOA on this project.

Major Pereira also stated that he has placed the funding for 2 FTE's in our budget, one for the Basic Training officer and the other for the Curriculum Assessor.

Major Pereira also stated that the Colonel is pro-active in the attendance of the Community Outreach programs. The recruits attended two and the feedback has been good. The recruits are hearing from community leaders as to what issues they are concerned about.

Chief Pesare asked if the location of the Unified Academy will be an issue? Will Providence send their recruits to Exeter? Colonel McCartney stated that although he thinks the Unified Academy is a

good idea, the location is very important. He believes that our current location, on a college campus, interacting with the students on a daily basis, is very important. He is concerned that we will lose the campus environment and the recruiting of these potential students to police officers. He thinks our current environment is very conducive to our training. Colonel McCartney suggested that Colonel O'Donnell discuss this with all the Police Chiefs to get their feedback. Again, he is 100% behind the concept. Major Pereira stated that the Ladd Property was chosen because the Fire Academy is located there and it is state-owned property. Chief Pesare stated it is a tremendous opportunity but feels it will be helpful to have the Police chief's as part of the process.

VII. Update on School of Community Policing & Cultural Diversity

Director Silva stated that we have received \$200,000 from a grant in 2008 and ½ was spent on computers, training, technology and we will continue to do Continuing Education training. We are looking to run more Fair & Impartial Policing workshops. In that respect, the Roll Call Video is moving along quickly.

VIII. Update on Certification of waiver candidates

- Johnston Police: Officer Edward Gonzalez, Providence PD
- Foster Police: Officer Thomas Masse, Providence PD

Captain Ricciarelli stated that Officer Gonzalez has met all the training requirements. Everything is documented and Chief Tamburini has signed off on everything. We recommend full certification.

Chief Pesare made a motion that Officer Edward Gonzalez of the

Johnston Police Department be given full POST Certification as a police officer. Chief Mello seconded the motion. All in favor, motion carries 3-0.

Captain Ricciarelli stated that Officer Thomas Masse should meet his requirements by December 5, 2011.

IX. Approval of RIMPA Instructors

Chief Silva asked for the approval of several of our instructors: Lt. Stephen Antonucci-Cranston P.D.-RI Liquor Laws and Underage Drinking; (ret) Sgt. Paul Brouillette-RI Interlocal Trust-Civil Liability; Christine Edmond-Gateway Healthcare-Stress Management; Off Sean Gorman-Lincoln Police Dept-PT Instructor; Off. Robert Hart-Warwick P.D. – Basic Water Safety; Chief Vincent McAteer-DCYF-DCYF; (ret) Det. William Swierk-Dept. of Health-Breath Analysis; Sgt. Kenneth Vinacco-Providence PD-Force on Force; Off Todd Rich-Scituate PD-EVOC.

Chief Pesare made a motion for the POST to certify these instructors and Chief Mello seconded the motion. With no further discussion and all in favor, motion carries 3-0.

X: Request for POST-certification (3 year Rule waiver), RI School of Design, Dept of Public Safety

Director Silva stated he received a letter dated September 20, 2011 from Chief Kenneth L. Bilodau of the Rhode Island School of Design requesting POST certification under the Three-year rule. Chief Bilodeau served 26 years at the East Providence Police Department, retiring on June 24, 2005 and joined RISD in 2005. Our recommendation is that he be certified as a police officer. He is

requesting a waiver under the 3 year rule, under Provision III (A), which states “Is returning to an Administrative or Management position above rank of the Sergeant”.

Chief Pesare made a motion to approve Chief Bilodeau’s request under the 3- year rule and Chief Mello seconded the motion. With all in favor, 3-0, motion carries.

Under discussion, Chief Silva asked if a Police Chief seeking a waiver would require a

psych test? Dr. Gallagher stated that when a Police Chief comes from out of state, they must be psyched.

Director Silva stated that a request for waiver was also received from Lt. Antone D.

Souza, Jr. of RISD; however, he is not bringing that forward to the POST members. He

has not attended a Police Academy and his work experience did not meet the

requirements. He was notified of such.

XI: Update on International Association of Directors of Law

Chief Silva stated that last spring he was elected to the Board of Directors of IADLEST

and is the Northeast Representative. He attended his first meeting in Chicago at the

IACP. He went on to explain that there is a National DeCertification Index (NDI) and

RI is a non-contributing state. There is a huge encouragement by the Federal government

to urge all States to participate. IADLEST will pay for legal council to come to the

March meeting and another participant as well to learn more about this Index. We are

recommending to the POST that they make it a requirement that all departments must run

all their hires under the N.D.I. It is currently being used in 30 states. It is very easy to

access and we would give all departments a password. We would also do a second follow

up here at RIMPA. Major Pereira asked who maintains the NDI and is there a cost.

Chief Silva stated no cost and IADLEST is the keeper. Captain Ricciarelli states that each

State sets its own standards for de-certification. Chief Mello asked if the Director

envisioned that there will be a recommendation to de-certify in RI. The Director

answered that he feels this will be addressed at the March meeting and we should be pro-

active.

Chief Mello made a motion that the application process include the process of NDI. Chief

Pesare seconded the motion. With all in favor, 3-0, motion carries.

XII: Other Business

Captain Ricciarelli stated that we have new Fitness Standards but they do not go into

effect until the July, 2012 class. We have done four workshops to date and have given

them all the information. After our December 10th P/T testing, we will get out a new

booklet reflecting the new standards.

Director Silva stated that he has been working on a model policy for “Eye Witness

Identification” and reviewed it at the Chief’s meeting last week.

He anticipates a

minimum of 4 workshops that will be put together with a cadre of instructors. He is

currently completing the eye witness lesson plan.

Sara Sticht, the Curriculum Assessment Coordinator, has finished up

her grant and her

last day was mid-October.

XIII: Adjournment

Chief Pesare made a motion to adjourn the meeting and Chief Mello seconded the

motion. After all in favor, 3-0, the meeting was adjourned at 12:15 p.m.

Minutes submitted by: Donna M. Lavalley, Administrative Assistant